UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:13-cv-337-RJC

JAMES G. BUCKALEW,)	
Plaintiff,)	
- M,)	
v.)	
)	ORDER TO REMAND
CAROLYN W. COLVIN,)	
Acting Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Defendant's unopposed motion to reverse the Commissioner's decision and remand this case to the Commissioner for further action. (Doc. No. 10). Under sentence four of 42 U.S.C. § 405(g), "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." See, Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991). The parties move this Court reverse the Commissioner's decision and remand the matter to the Commissioner for further proceedings and a new decision. For good cause shown, this motion is **GRANTED**.

Upon remand by the Court, the Appeals Council will remand this matter to an Administrative Law Judge (ALJ). The ALJ will consider the new evidence submitted by the Appeals Council and further evaluate the opinions of Drs. Barnes, Barry, Wilson, and Cox. As appropriate, the ALJ will give additional consideration to Plaintiff's maximum residual functional capacity and ability to perform his past work or other work in the national economy. Finally, the ALJ will give Plaintiff a new opportunity for a hearing, take any action needed to

complete the administrative record, and issue a new decision.

Accordingly, the Court hereby **REVERSES** the decision of the Commissioner and **REMANDS** this case for further administrative proceedings.

IT IS, THEREFORE, ORDERED, for good cause shown, that Defendant's Motion for Remand, (Doc. No. 10), is **GRANTED.** Additionally, Plaintiff's Motion for Summary Judgment (Doc. 9) is **denied as moot.**

This case is remanded to the Administrative Law Judge. The Clerk of Court is directed to close this case.

Signed: July 28, 2014

Robert J. Conrad, Jr.

United States District Judge